

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

BILL NO. 98-7

Introduced by Council President Parrott  
at the request of the County Executive

Legislative Day No. 98-5 Date February 10, 1998

AN ACT to add new Article IV, Water Quality to Chapter 109, Environmental Control, of the Harford County Code, as amended, to prohibit discharging significant materials or pollutants to a County separate storm sewer or causing, contributing to or creating a condition which may result in an illicit discharge to a County separate storm sewer; to provide authority to order abatement and correction of any pollution; to provide for enforcement, fines, charges and damages and generally relating to water quality.

By the Council, February 10, 1998

Introduced, read first time, ordered posted and public hearing scheduled

on: March 10, 1998

at: 7:30 p.m.

By Order: Mary Kate Herbig, Acting Council Administrator

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on Mar. 10, 1998 and concluded on Mar. 10, 1998.

Mary Kate Herbig, Acting Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted by the County Council of Harford County, Maryland, that Article IV, Water Quality, is hereby added to Chapter 109, Environmental Control, of the Harford County Code, as amended; all to read as follows:

Chapter 109. Environmental Control

ARTICLE IV. WATER QUALITY.

SECTION 109-25. DEFINITIONS.

FOR THE PURPOSE OF THIS ARTICLE, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS RESPECTIVELY ASCRIBED TO THEM BY THIS SECTION:

ADVERSE IMPACT - ANY DELETERIOUS EFFECT ON WATERS OR WETLANDS, INCLUDING THEIR QUALITY, QUANTITY, SURFACE AREA, SPECIES COMPOSITION, AESTHETICS OR USEFULNESS FOR HUMAN OR NATURAL PURPOSES, WHICH IS OR MAY POTENTIALLY BE HARMFUL OR INJURIOUS TO BIOLOGICAL PRODUCTIVITY, DIVERSITY OR STABILITY OR TO HUMAN HEALTH, WELFARE OR SAFETY OR TO PROPERTY, OR TO COMMERCIAL, INDUSTRIAL OR AGRICULTURAL USE, OR WHICH UNREASONABLY INTERFERES WITH THE ENJOYMENT OF LIFE OR PROPERTY, INCLUDING OUTDOOR RECREATION.

COUNTY SEPARATE STORM SEWER - A CONVEYANCE OR SYSTEM OF CONVEYANCES INCLUDING, BUT NOT NECESSARILY LIMITED TO, ROADS WITH DRAINAGE SYSTEMS, PUBLIC STREETS, CATCH BASINS, CURBS, GUTTERS, DITCHES, CONSTRUCTED CHANNELS, STORM DRAINS, ASSOCIATED UNDERGROUND PIPING, AND STORMWATER MANAGEMENT FACILITIES THAT ARE:

(1) OWNED AND/OR MAINTAINED BY HARFORD COUNTY;

1 (2) DESIGNED OR USED FOR THE COLLECTION AND CONVEYANCE OF  
2 STORMWATER RUNOFF (EITHER IMMEDIATE OR DELAYED) FROM  
3 ANY FORM OF PRECIPITATION EVENT;

4 (3) DESIGNED TO CONVEY STORMWATER RUNOFF TO A POINT OF  
5 DISCHARGE INTO WATERS OF THE STATE;

6 (4) NOT ANY PART OF A COMBINED SEWER SYSTEM; AND

7 (5) NOT PART OF OR DISCHARGING INTO ANY PUBLICLY OWNED  
8 TREATMENT WORKS (POTW) AS DEFINED IN 40CFR122.2.

9 COMAR - THE CODE OF MARYLAND REGULATIONS

10 DIRECTOR - THE DIRECTOR OF PUBLIC WORKS OF THE COUNTY.

11 ILLICIT DISCHARGE - ANY DISCHARGE TO A COUNTY SEPARATE STORM  
12 SEWER THAT IS NOT COMPOSED ENTIRELY OF STORMWATER RUNOFF EXCEPT  
13 DISCHARGES RESULTING FROM COMMON RESIDENTIAL OUTDOOR USES,  
14 FIREFIGHTING ACTIVITIES OR FROM ANY LEGALLY PERMITTED DISCHARGE.

15 OUTFALL - THE POINT WHERE A COUNTY SEPARATE STORM SEWER SYSTEM  
16 DISCHARGES INTO WATERS OF THE STATE.

17 PERSON - ANY MUNICIPAL CORPORATION OR OTHER POLITICAL  
18 SUBDIVISION OF THE STATE, OR ANY OF THEIR UNITS, OR AN INDIVIDUAL,  
19 RECEIVER, TRUSTEE, GUARDIAN, EXECUTOR, ADMINISTRATOR, FIDUCIARY, OR  
20 REPRESENTATIVE OF ANY KIND, OR ANY PARTNERSHIP, FIRM, ASSOCIATION,  
21 PUBLIC OR PRIVATE CORPORATION, OR ANY OF THEIR AFFILIATES, OR ANY  
22 OTHER ENTITY, OR PROPERTY OWNER ON WHOSE PROPERTY A VIOLATION HAS  
23 OCCURRED PURSUANT TO THIS ARTICLE.

1 POLLUTION OR POLLUTANT - ANY CONTAMINATION OR OTHER  
2 ALTERATION OF THE PHYSICAL, CHEMICAL, OR BIOLOGICAL PROPERTIES OF  
3 GROUNDWATER OR SURFACE WATER INCLUDING BUT NOT LIMITED TO A  
4 CHANGE IN TEMPERATURE, TASTE, COLOR, TURBIDITY OR ODOR; OR THE  
5 DISCHARGE OR DEPOSIT OF ANY ORGANIC MATTER, HARMFUL ORGANISM, OR  
6 LIQUID, GASEOUS, SOLID, RADIOACTIVE OR OTHER SUBSTANCE INTO  
7 GROUNDWATER OR SURFACE WATER THAT WILL RENDER AN ADVERSE IMPACT.

8 SIGNIFICANT MATERIALS - INCLUDES, BUT IS NOT LIMITED TO, RAW  
9 MATERIALS, PETROLEUM DERIVATIVE PRODUCTS, ANY CONTROLLED  
10 HAZARDOUS SUBSTANCES AS DESCRIBED IN COMAR 26.13, INDUSTRIAL WASTE  
11 (COMAR 26.08.01.01) INFECTIOUS WASTE (COMAR 26.04.07.02), MATERIALS SUCH  
12 AS SOLVENTS OR DETERGENTS, FINISHED MATERIALS SUCH AS METALLIC  
13 PRODUCTS, RAW MATERIALS USED IN FOOD PROCESSING OR PRODUCTION,  
14 FERTILIZERS, PESTICIDES, WASTE PRODUCTS SUCH AS ASHES, SLAG AND SLUDGE  
15 OR ANY OTHER MATERIAL THAT COULD RESULT IN POLLUTION OF WATERS OF  
16 THE STATE AS A CONSTITUENT IN STORMWATER DISCHARGE.

17 WATERS OF THE STATE - BOTH SURFACE AND UNDERGROUND WATERS  
18 WITHIN THE BOUNDARIES OF THE STATE OF MARYLAND SUBJECT TO ITS  
19 JURISDICTION, THE CHESAPEAKE BAY AND ITS TRIBUTARIES, AND ALL PONDS,  
20 LAKES, WATERCOURSES, TIDAL AND NONTIDAL WETLANDS, AND PUBLIC  
21 DRAINAGE SYSTEMS WITHIN THIS STATE, OTHER THAN THOSE DESIGNED AND  
22 USED TO COLLECT, CONVEY, OR DISPOSE OF SANITARY SEWAGE; AND THE  
23 FLOODPLAIN OF FREE-FLOWING WATERS DETERMINED BY THE STATE

1 DEPARTMENT OF NATURAL RESOURCES ON THE BASIS OF THE 100-HUNDRED  
2 YEAR FLOODPLAIN.

3 WATERCOURSE - ANY NATURAL OR ARTIFICIAL STREAMS, RIVERS, CREEKS,  
4 DITCHES, CHANNELS, CANALS, CONDUITS, CULVERTS, DRAINS, WATERWAYS,  
5 GULLIES, RAVINES, OR WASHES, IN WHICH WATER FLOWS IN A DEFINITE  
6 DIRECTION OR COURSE, EITHER CONTINUOUSLY OR INTERMITTENTLY, AND  
7 INCLUDING ANY AREA ADJACENT THERETO WHICH IS SUBJECT TO INUNDATION  
8 BY REASON OF OVERFLOW OR FLOODWATER.

9 WATER QUALITY - ANY CHEMICAL, PHYSICAL OR BIOLOGICAL PROPERTY,  
10 CHARACTERISTIC OR ATTRIBUTE OF A WATERCOURSE.

11 SECTION 109-26. LEGISLATIVE INTENT.

12 THE INTENT OF THIS ARTICLE IS:

13 (A) TO COMPLY WITH THE OBJECTIVES OF THE CLEAN WATER ACT OF  
14 1977 (P.L. 95-217), AS AMENDED, TO RESTORE AND MAINTAIN THE  
15 CHEMICAL, PHYSICAL, AND BIOLOGICAL INTEGRITY OF THE WATERS  
16 OF THE STATE.

17 (B) TO MEET THE REQUIREMENTS OF THE COUNTY'S NATIONAL  
18 POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR  
19 DISCHARGES FROM THE COUNTY SEPARATE STORM SEWER SYSTEM  
20 BY ELIMINATING NON-STORMWATER DISCHARGES AND REDUCING  
21 THE DISCHARGE OF POLLUTANTS TO THE MAXIMUM EXTENT  
22 PRACTICABLE.

23 SECTION 109-27. APPLICABILITY.

SECTION 109-28. PROHIBITION, ABATEMENT AND CORRECTION OF WATER POLLUTION.

B. NO PERSON SHALL:

(2) CAUSE, CONTRIBUTE TO, OR CREATE ANY CONDITION WHICH

1 MAY RESULT IN AN ILLICIT DISCHARGE OF ANY SIGNIFICANT  
2 MATERIALS OR POLLUTANT INTO AND THROUGH ANY  
3 COUNTY SEPARATE STORM SEWER SYSTEM; OR

4 (3) CREATE ANY NEW CONNECTION OR MAINTAIN ANY  
5 CONNECTION THAT CURRENTLY EXISTS THAT CAN  
6 INTRODUCE ANY SIGNIFICANT MATERIALS OR POLLUTANT  
7 INTO ANY COUNTY SEPARATE STORM SEWER SYSTEM.

8 C. THE DIRECTOR OF THE DEPARTMENT MAY ORDER THE ABATEMENT  
9 AND CORRECTION OF ANY POLLUTION OF THE WATERS OF THIS  
10 STATE WITHIN THE COUNTY INCLUDING THE ABATEMENT AND  
11 CORRECTION OF ANY DEGRADATION OF AQUATIC AND RIPARIAN  
12 HABITAT ATTRIBUTED TO SUCH POLLUTION.

13 SECTION 109-29. ENFORCEMENT, FINES, CHARGES AND DAMAGES.

14 A. NOTWITHSTANDING ANYTHING CONTAINED IN THIS CHAPTER TO  
15 THE CONTRARY, THE ENFORCEMENT PROVISIONS OF ARTICLE I OF  
16 THIS CHAPTER SHALL APPLY TO THIS ARTICLE IV.

17 B. ALL MONIES COLLECTED AS FINES, CHARGES OR DAMAGES UNDER  
18 THIS ARTICLE SHALL BE DEDICATED TO THE OPERATING AND/OR  
19 CAPITAL EXPENSES ASSOCIATED WITH THE DEPARTMENT'S  
20 PROGRAMS FOR THE PROTECTION AND RESTORATION OF WATER  
21 QUALITY, STREAMS, WETLANDS AND FLOODPLAINS.

22 SECTION 109-30. AGREEMENTS BETWEEN COUNTY, MUNICIPALITIES AND  
23 OTHER UNITS OF GOVERNMENT.

1 THE COUNTY MAY ENTER INTO COOPERATIVE AGREEMENTS WITH ANY  
2 INCORPORATED CITY, TOWN, MUNICIPALITY, OR OTHER UNIT OF GOVERNMENT  
3 CONCERNING ANY MATTER RELATING TO WATER POLLUTION CONTROL,  
4 INCLUDING, BUT NOT LIMITED TO, INSPECTION, ABATEMENT AND  
5 ENFORCEMENT. THE COUNTY MAY ENTER INTO SUCH COOPERATIVE  
6 AGREEMENTS IN ORDER TO COORDINATE WATER POLLUTION CONTROL  
7 ACTIVITIES WITH ANY UNIT OF GOVERNMENT, TO AVOID DUPLICATION OF  
8 EFFORT AND TO MINIMIZE THE COSTS ASSOCIATED WITH AN EFFECTIVE  
9 PROGRAM.

10 Section 2. And Be It Further Enacted that this Act Shall take effect sixty (60) calendar days from  
11 the date it becomes law.

EFFECTIVE: May 18, 1998

*The Council Administrator does hereby certify that  
fifteen (15) copies of this Bill are immediately available for  
distribution to the public and the press.*

*Mary Kate Heuberg*  
Acting Council Administrator



HARFORD COUNTY BILL NO. 98-7(Brief Title) Water Quality - County Storm Sewer System

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

Mary Kate Herbig  
Acting Council Administrator

Loanne S. Parrott  
President of the Council

Date March 10, 1998Date March 10, 1998

BY THE COUNCIL

Read the third time.

Passed: LSD 98-8 (March 10, 1998)

Failed of Passage: \_\_\_\_\_

By Order

Mary Kate Herbig  
Acting Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 12th day of March, 19998 at 3:00 p. m.

Mary Kate Herbig  
Acting Council Administrator

BY THE EXECUTIVE

Eden M. Redman  
COUNTY EXECUTIVE

APPROVED: Date March 18, 1998

BY THE COUNCIL

This Bill (No. 98-7), having been approved by the Executive and returned to the Council, becomes law on March 18, 1998.

Mary Kate Herbig  
Acting Council Administrator

EFFECTIVE DATE: May 18, 1998